

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

IN THE MATTER OF THE ARREST OF:  
Austin Scott

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Case No. \_\_\_\_\_

I, Kelly Liberti, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I have been employed as a Special Agent of the FBI since November 1995, and am currently assigned to the Violent Crime Squad in the Cleveland Division. While employed by the FBI, I have investigated federal criminal violations related to child abduction, child exploitation, child pornography and cyber-crimes. I have gained experience through training at the FBI Academy and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media

2. I am an "investigative or law enforcement officer" of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516 of Title 18, United States Code.

3. This affidavit is being submitted for the limited purpose of establishing probable cause that AUSTIN SCOTT, age 21, currently residing at the Lorain County Jail, Elyria, Ohio, has violated Title 18 U.S.C. § 2252A(a)(2)(A) (receipt of child pornography).

### **PROBABLE CAUSE**

4. The statements contained in this affidavit are based in part on written reports and witness statements about this investigation that I have received, directly or indirectly, from other law enforcement agents; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a Special Agent (SA) with the FBI. This affidavit includes only those facts that I believe are necessary to establish probable cause and does not include all of the facts uncovered during the investigation.

5. The investigation revealed that a 21-year-old adult male residing in Loma Linda, California had an online relationship with a juvenile female in Elyria, Ohio. The investigation showed the male received nude photographs of the juvenile female via the Internet and then traveled to Ohio for the purpose of taking the juvenile female to Tennessee to start a new life together.

6. On January 12, 2018, at approximately 10:00 pm, officers from the Elyria, Ohio Police Department, located and arrested Austin Scott at the intersection of [REDACTED] [REDACTED] Elyria, Ohio. Officers were called to the area for reports of a white male knocking on doors and asking to charge his cell phone. Scott advised officers he flew in from Los Angeles, California earlier that day to meet his new girlfriend, the juvenile female, who lived at [REDACTED]. Scott advised he could not call the juvenile female as his cell phone battery died and he was not allowed into the house until the juvenile female's parents were asleep.

7. Officers made contact at [REDACTED] and spoke with the adults present at the home. Officers learned the female Scott had referred to was 14 years old. After the juvenile

female parents were alerted, they found the juvenile female had three suitcases packed in her room and it appeared she was going to run away from home.

8. The juvenile female's parents provided consent for the Elyria Police officers to speak with the juvenile female. The juvenile female told officers she met Scott on a computer video game server and then began chatting with him on an app called "Discord". She advised her user name was [REDACTED] and Scott's username was "ThedragonofoldYT". The juvenile female said at the beginning of the relationship she identified herself as being 14 years old. The juvenile female said she and Scott planned to run away together to Tennessee.

9. The Elyria Police Department seized the juvenile female's cell phone and obtained written consent to search the phone from her parents.

10. On January 15, 2018, Elyria Police Detectives Daniel Sumpter and James Homoki interviewed Scott at the Lorain County Jail. Scott was advised of his Miranda Rights and indicated he wished to speak to officers. This interview was recorded and a copy provided to your Affiant.

11. During the interview, Scott told officers he met the juvenile female online approximately one month ago and they exchanged nude photographs. Scott told officers the juvenile female had told him she was 14 years old. Scott said he flew from Los Angeles to Cleveland on Friday and used Lyft to get a ride to the Midway Mall area. Scott said he then walked to the juvenile female's neighborhood to wait for her. Scott said his cell phone battery died and that is why he knocked on doors. Scott told officers if his cell phone battery had not died, he and the juvenile female would now be in Tennessee.

12. Scott told officers he had pictures of the juvenile female's vagina on his phone and that they role played "sex stuff" on Discord.

13. Scott told officers he graduated from high school and had an offer to play college basketball, but turned it down. Scott said he was certified to work as a security guard, but his last job had been working at Del Taco in California.

14. On January 15, 2018, Elyria Police Detective Daniel Sumpter conducted a cell phone data extraction using a Cellebrite extraction tool on the juvenile female's cell phone. Your Affiant received a copy of this report.

15. On January 19, 2018, your Affiant reviewed this report and noted the following:

- a. A review of the text messages in the phone in the "Discord" app showed the juvenile female and Scott began communicating over Discord on January 1, 2018. The juvenile female's user name was [REDACTED] and Scott's user name was "TheDragonofOldYT".
- b. On January 1, 2018, the juvenile female told Scott she was 14 years old.
- c. On January 2, 2018, the juvenile female sent Scott nude photographs, some of which specifically focused on her genitalia.
- d. On January 2, 2018, Scott told the juvenile female he wished they could get rid of "the stupid age gap." The juvenile female replied that they could technically date as long they didn't get sexual, but that she did want sex.
- e. On January 3, 2018, the juvenile female told Scott she had a "snow day" and didn't have to go to school.

- f. On January 7, 2018, both the juvenile female and Scott referred to 62022 as their wedding day.
- g. On January 10, 2018, the juvenile female sent Scott a link to a Facebook announcement for her middle school indicating the 8<sup>th</sup> grade band members were memorizing music in anticipation of high school.
- h. On January 11, 2018, the juvenile female suggested the two run away together, but worried who would pay for her phone. She commented it would be hard to get a job without a high school diploma, but she might be able to start working when she was 15.
- i. On January 12, 2018, Scott told the juvenile female he had a flight through Atlanta and Cincinnati and would be arriving in Cleveland later that day. Throughout the day, the two communicated and planned to meet outside the juvenile female's house after her family members were asleep.

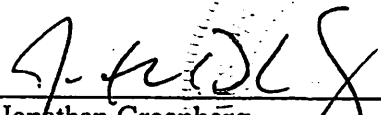
**CONCLUSION**

16. Based on the foregoing, there is probable cause to believe that Austin Scott violated Title 18 U.S.C. § 2252A(a)(2)(A) (receiving child pornography) .

17. Your Affiant respectfully requests the Court issue an arrest warrant for AUSTIN SCOTT.

  
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Special Agent Kelly Liberti  
FBI, Cleveland Division

Sworn to before me and signed in my presence.

  
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Jonathan Greenberg  
United States Magistrate Judge